



**CITY OF SUNNYVALE
REPORT
Planning Commission**

October 25, 2004

SUBJECT: **2004-0705 – AT&T Wireless** [Applicant] **St Luke Lutheran Church Of Sunnyvale Ca** [Owner]: Application on a 4.5-acre site located at **1025 The Dalles** in an R-1 (Low Density Residential) Zoning District. (Negative Declaration) (APN: 320-11-010) DO:

Motion Use Permit to allow installation of a 65-foot tall monopole camouflaged as a church tower containing six antennas with associated ground equipment.

REPORT IN BRIEF

Existing Site Church
Conditions

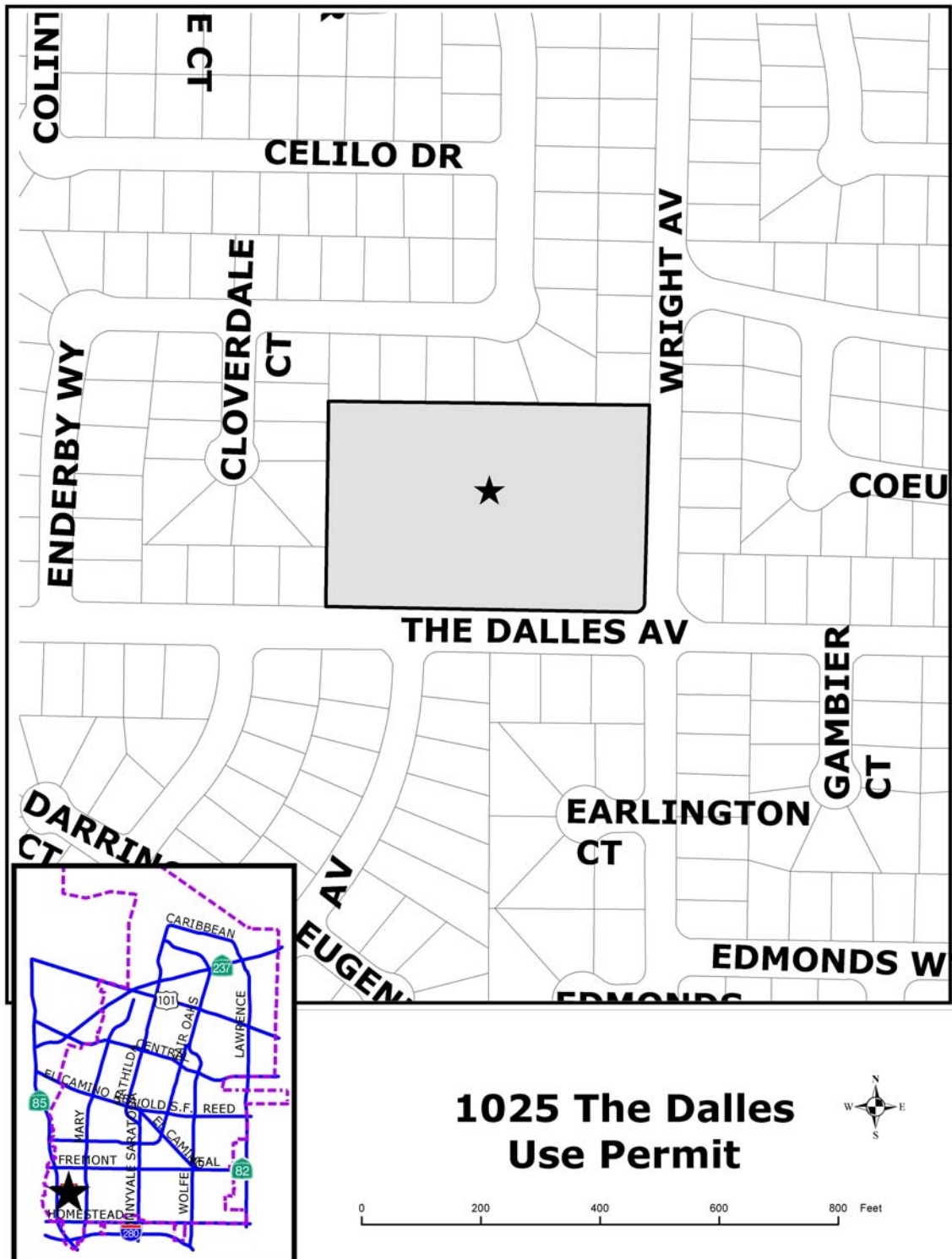
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Visual Impact
Neighborhood Compatibility
Design of Ground Equipment

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density Residential	Same	Low Density Residential
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	191,881	Same	8,000 min.
No. of Buildings On-Site	3	Same	Previous Use Permit
Building Height (ft.)	32 ft.	Same	Previous Use Permit
Monopole Height (ft.)	N/A	65	Up to 65 ft. permitted with major Use Permit
Area of equipment enclosure at the base of the pole	N/A	Approx 100 sq. ft.	No max.
Setbacks of proposed monopole (from The Dalles.)			
• Front	N/A	136 ft.	No req.
• Left Side	N/A	216 ft.	130 ft. min.
• Right Side	N/A	319 ft.	No req.
• Rear	N/A	211 ft.	130 ft.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1959-0001	Use Permit to allow church	City Council Approved	09/1959

File Number	Brief Description	Hearing/Decision	Date
1983-0249	Use Permit to allow private school and day care	City Council Approved	08/1983
1986-0219	Use Permit to allow school and office expansion	City Council Approved	03/1986

Description of Proposed Project

The project consists of installation of a 65 ft. high church tower which conceals six telecommunications antennas. This equipment will be screened by a 6 ft. high wall with a roof to match the existing building.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

Use Permit

Use: The proposed freestanding telecommunications facility is intended to serve AT&T Wireless customers in the surrounding residential neighborhood. Due to the increased demand for service from residential customers, the applicant is locating this facility in a residential neighborhood. Freestanding telecommunication facilities up to 65 ft. tall on non-residential properties within residential zones (such as churches, schools, etc.) may be considered with a Use Permit.

Site Layout: The tower placed at the center of the site, with a 216 ft. setback from the western property line and 211 ft. setback from the northern property line (Attachment D, Site Plan). It will be installed adjacent to a one story building behind the parking lot. This placement will require the removal of one tree.

Alternative Locations Considered

1. *Cupertino Jr. High School.* Proposed to mount six antennas on an existing stadium light pole (may replace pole) within the school site located at the corner of Bernardo Ave. and Helena Drive. The City of Sunnyvale's Parks and Recreation Department owns the stadium lights and they do not allow the use of public property for profit making businesses.

2. *San Antonio Park on Astoria Drive.* Did not pursue this site because of the city's policy to not lease to private telecommunications businesses.
3. *PG&E tower at the terminus of Holt Avenue.* This site is similar to the proposed site in that it is adjacent to single family homes and AT&T's proposed antennas and equipment cabinets would be closer to the existing homes. In addition, the end of Holt Avenue (cul-de-sac) is private property and AT&T was not sure whether it could obtain the right to access the road to get to the tower.

AT&T chose this site because it was in the middle of the area they wished to cover and the actual installation could be located the furthest from home sites. Due to the limited area, low scale of buildings, and general residential character, finding an appropriate location and design is difficult. It is challenging to locate a 65 ft. high structure in a neighborhood that is predominantly 15-26 ft. in height without it being visible from surrounding properties and the street. For that reason, staff recommends that the tower be camouflaged in some way (flag pole, pine tree, church tower or cross, etc.) to appear as a structure that would more naturally appear in a residential neighborhood.

Design: SMC Section 19.54.040(a) states that "based on potential aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted, and freestanding tower." Staff finds that this structure is a combination of a freestanding structure and a stealth façade mount. The proposed facility is not exposed as a plain monopole but camouflaged as a church tower.

Much of the church is low scale and one story. An existing 55 ft. tower on the northeast corner of the property is located next to a memorial garden. It is staff's understanding that due to the trenching and associated work needed to install an antenna, this location was ruled out.

The proposed tower design matches the style of the existing tower, with a brick veneer and masonry on the exterior. The antennas are placed at 55 ft. high, and a 10 ft. high white cross is installed on top (Attachment E, Photo Simulations).

Ground Equipment: An enclosed equipment area is proposed within a corner of the church building. This enclosure will have walls to match the building exterior and a flat top roof. The applicant is proposing a rooftop air conditioning unit. Staff is concerned with the visual impact of this location and is recommending that the unit be relocated to the ground adjacent to the structure with appropriate screening (Condition #5).

Landscaping: The location of the tower and equipment requires the removal of one tree. This tree is medium-sized and in relatively good condition. Staff recommends that one additional 24-inch box tree be planted on-site to mitigate the removal (Condition #4).

Parking/Circulation: This installation does not remove any parking spaces from the site. None are required for the proposal.

Radio Frequency (RF) Emissions Exposure: The RF Emissions Report (Attachment H) includes information about the proposed radio frequency of the tower. The proposed tower emits 0.91% of the maximum standard permitted by the FCC and is considered safe for inhabited areas. The FCC is the final authority on safety of telecommunications towers. If the FCC has determined the facility to be in compliance with federal standards, the City is not permitted to make additional judgments on health and safety issues. This application shall be considered on design and location criteria only.

Compliance with Development Standards

Staff has received comments from surrounding neighbors that are significantly concerned with this application. These comments range from aesthetics and height of the tower, health impacts from emissions, and concerns about proximity to single family homes (Attachment G). However, this tower meets applicable standards of the Sunnyvale Municipal Code including height and setback. Staff finds the design consistent with the design requirements in Chapter 19.54 of the Sunnyvale Municipal Code.

Expected Impact on the Surroundings

This tower will be visible from the surrounding properties. The applicant has attempted to mitigate visual impacts by camouflaging the installation as a church tower. Projected noise levels and radio frequency emissions will be below applicable maximum standards.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The applicant held a community meeting on this installation, and approximately 20 neighbors attended, stating concerns with the look of the tower, the height, the proximity to homes and the safety of the radio frequency emissions. Staff has also received several letters and emails from neighbors stating concerns with the proposed application (Attachment G).

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 105 notices were mailed to the property owners and residents within 300 ft. of the project site.	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Use Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Photo Simulations
- F. Letter from the Applicant
- G. Letters from other interested parties
- H. RF Emissions Report

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Telecommunications Policy

Goal B: Promote universal access to telecommunications services for all Sunnyvale citizens.

Land Use and Transportation Element

Action Statement N1.1: Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Land Use and Transportation Element Policy N1.3: Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.

The project provides for residential access to telecommunications services while installing a facility that is compatible with the church architecture and the residential character of the neighborhood.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the facility is set back a minimum of 200 ft. from the property lines of single family homes, the design is typical for a church and compatible with the neighborhood. The facility is also substantially below maximum RF emissions and meets applicable noise standards.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

Planning Conditions:

1. Submit for Building Permits prior to construction/installation activity.
2. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be subject to approval by the Director of Community Development.
3. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
4. A new 24-inch box tree shall be replanted on-site prior to building permit final.
5. The air conditioning unit shall be relocated to the ground and screened as per Sunnyvale Municipal Code.

Standard Development Requirements:

6. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Administration.
7. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
8. The owner or operator of any facility shall obtain and maintain current at all times a business licenses issued by the city.
9. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information

submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:

- (a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - (b) Name, address and telephone number of a local contact person for emergencies.
 - (c) Type of service provided.
10. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
11. Each facility shall be opened in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 50 dB at the property line.
12. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
13. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or

proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

14. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
15. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.